

No.

200400227



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pro Seeds Marketing, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR REPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, HARD

'Viking'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-seventh day of September, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



REPRODUCE LOCALLY, include form number and date on all reproductions

Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICEAPPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552e) and the Paperwork Reduction Act (PRA) of 1995.

A petition is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2424). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER ProSeeds Marketing, Inc. (PT: 8/9/2007)		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME ABTHF1, EHF1		3. VARIETY NAME Viking	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 13963 Westside Lane S. Jefferson, OR 97352		5. TELEPHONE (include area code) (541) 928-9999		FOR OFFICIAL USE ONLY PVPO NUMBER 200400227 FILING DATE May 21, 2004	
		6. FAX (include area code) (541) 924-5695			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION OR		9. DATE OF INCORPORATION May 16, 1990	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) V. G. Lehman 811 Mountain River Dr. Lebanon, OR 97355				FILING AND EXAMINATION FEES: \$ 3652- DATE 5/21/2004 CERTIFICATION FEE: \$ 768.00 DATE 9/21/2007	

11. TELEPHONE (include area code) (541) 451-1847		12. FAX (include area code) (541) 451-1847		13. E-MAIL vlehman@aol.com	
14. CROP KIND (Common Name) hard fescue		15. FAMILY NAME (Botanical) Gramineae		16. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
17. GENUS AND SPECIES NAME OF CROP Festuca longifolia		18. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 43(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (if "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (if "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A: Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B: Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C: Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D: Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E: Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS <input checked="" type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			

25. The owner declares that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER [Signature]		SIGNATURE OF OWNER [Signature]	
NAME (Please print or type) Richard W. Olson		NAME (Please print or type) [Name]	
CAPACITY OR TITLE Pres		CAPACITY OR TITLE [Title]	
DATE 2-26-04		DATE [Date]	

(See reverse for instructions and information collection burden statement)

ST-470 (04-03) designed by the Plant Variety Protection Office using Word 2002.

Origin and Breeding History of EHF Hard Fescue

^{'Viking'}
EHF Hard fescue (*Festuca longifolia* Thuill.) is an advanced generation synthetic
(BT-5/26/2006)
cultivar selected from the maternal progenies of 437 clones. EHF was developed for improved seed yield and turf performance, dark bright green color, freedom from disease and early maturity. Eighty-seven percent of the parental germplasm in EHF contain the *Neotyphodium* endophyte.

Germplasm sources included selections from old low-maintenance turfs of the eastern USA and the cultivars Biljart, Scaldis, and Waldina. Many of the most promising selections were made in old cemeteries in Newark, Camden, Colonia, Old Bridge, South River, New Brunswick, Tennant, Freehold, and Trenton, NJ; Atlanta, GA and Baltimore, MD; golf course roughs in Linwood, NJ, Long Island, NY, and Trenton, NJ; Johnson Park in Piscataway, NJ; and lawns on the Cook, Douglas, and Rutgers Colleges of Rutgers University, New Brunswick, NJ. The origin of plants selected from old turfs is not known. The history of the turfs and the appearance of the plants indicated they had been present for many decades. It is likely that most were introduced in seed from Europe during the late 1800's and the first few decades of the 1900's. Several of the germplasm sources trace to populations of plants used in an endophyte backcrossing program of Aurora and Reliant Hard fescue. A small percentage (6%) traces to a persistent clone selected from the 1976 fine fescue trial at North Brunswick. Five percent traces to plants selected from the Old Bridge Cemetery in 1988.

Following varying cycles of phenotypic and genotypic selection, two breeding populations were established in 1994 and 1995. The one established in the spring of 1994 contained 872 plants and the one established in the spring of 1995 contained 1600 plants. The plants from both nurseries were selected from better performing turf plots from the 1993 fine fescue trial at North Brunswick. These plants were selected from 130 single-plot progenies from 4 different populations. These plants were subjected to two cycles of selection in 1996 and 1997 named 'Hard-96' and 'Hard-97', respectively for characteristics such as dark green color, high shoot density, early seed maturity and freedom from disease. One nursery was established in the fall of 1996 that contained 1368 plants from progeny of 30 clones included in the 'Hard-96' crossing block. Another nursery was established in the fall of 1997 that contained 640 plants from the progeny of 54 clones included in the 'Hard-97' crossing block. In the spring of 1998, three plants were selected from the 1996 nursery and 485 plants were selected from the 1997 nursery. These 487 plants were selected for dark bright green color, high shoot density, early seed maturity and freedom from disease. These selected plants were moved, prior to anthesis, to an isolated crossing block at Adelphia, NJ. Four hundred and thirty-seven plants from 45 different lines with excellent floret fertility and freedom from disease were harvested. In the fall of 1998, ^{Viking (ST:5/26/2006)} EHF hard fescue was entered in the NTEP national fine leafed fescue test for performance testing throughout the country. The remaining 2 lbs. of breeder seed were sent to Agribiotech Inc. ^{ProSeeds} Proseeds Marketing, Inc. ^(ST:5/26/2006) purchased this variety from the ABT auction in July, 2001.

^{Viking'}
EHF was developed using a population improvement program initiated in 1968 at Rutgers University to improve pest resistance, stress tolerance, attractiveness, turf performance, seed yield and the ability to provide an acceptable turf cover without the need for supplemental fertilization or irrigation. The breeding program included

extensive germplasm collection and evaluation. It included the screening of over 50,000 seedlings for disease resistance, the evaluation of over 12,000 individuals in spaced-plant field nurseries, and the testing of over 1,000 single-plant half-sib progenies in turf trials.

The breeding method used in the development of ^{'Viking'} EHF Hard fescue was a population improvement program involving the evaluation followed by cycles of recurrent phenotypic and genotypic selection. It included 1) selection and evaluation of the most promising genetic material from old turfs , 2) intercrossing the most attractive plants, 3) screening their progenies for resistance to powdery mildew, net blotch and an attractive turf-type growth habit under greenhouse conditions, 4) planting these selected seedlings in isolated spaced-plant field nurseries at either Adelphia or North Brunswick, NJ, 5) removing the least attractive plants from these nurseries prior to anthesis, 6) harvesting seed from the most attractive pest resistant plants with the best floret fertility 7) seeding these single-plant progenies in closely mowed turf trials, 8) selecting attractive plants from the best performing progenies which contained a *Neotyphodium* endophyte, and 9) repeating the above procedures in a continuing population improvement program to produce ^{'Viking'} EHF hard fescue. (BT: 5/26/2006)

Statement of Stability:

No objectionable off-type plants or variants have been observed in the reproduction or multiplication of EHF1 (Viking). EHF1 (Viking) is a stable and uniform variety for characteristics described over three generations.

Statement of Distinctness:

EHF1 (Viking) is distinct from all other hard fescues by a combination of morphological and turf characteristics. EHF1 (Viking) is most similar to Reliant hard fescue. EHF1 (Viking) has a shorter panicle than Reliant in trials at Lebanon, OR. In addition, EHF1 (Viking) has a purplish anther color where Reliant has a bluish green anther color.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PROGRAM
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(FINE LEAVED FESCUES)

OBJECTIVE DESCRIPTION OF VARIETY
FINE LEAVED FESCUES
(*Festuca* spp.)

NAME OF APPLICANT(S) ProSeeds Marketing, Inc. (87.8/9/2007)	TEMPORARY DESIGNATION EHF1	VARIETY NAME Viking
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ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)
13963 Westside Lane S.
Jefferson, OR 97352

FOR OFFICIAL USE ONLY
PVPO NUMBER

200400227

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary. Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors; designate system used: Describe location of the test area, conditions and number of plants used:

1. SPECIES: (With companion varieties for use below – use varieties within species of application variety)

<input checked="" type="checkbox"/> 5	1 = <i>F. rubra</i> ssp. <i>commutata</i> (Chewings)	11 = Cascade 14 = Banner	12 = Highlight 15 = Barfalla	13 = Jamestown
	2 = <i>F. rubra</i> ssp. <i>litoralis</i> (Creeping Red)	21 = Dawson 24 = Pennlawn	22 = Starlight	23 = Merlin
	3 = <i>F. rubra</i> ssp. <i>rubra</i> (Spreading Red)	31 = Boreal 34 = Ensylva	32 = Ruby	33 = Fortress
	4 = <i>F. ovina</i> (Sheep)	41 = Covar		
	5 = <i>F. longifolia</i> (Hard)	51 = Durar	52 = Biljart (C-26)	53 = Scaldis
	6 = <i>F. tenuifolia</i> (Fine-Leaved Sheep)	61 = Panda	62 = Barok	
	7 = Other (Specify) F. _____			

2. CYTOLOGY:

<input type="checkbox"/> <input type="checkbox"/>	Chromosome Number	<input type="checkbox"/>	Ploidy	1 = diploid	2 = tetraploid	3 = hexaploid	4 = octoploid
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3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

<input checked="" type="checkbox"/> 2	Northeast	<input type="checkbox"/> 0	Southeast	<input checked="" type="checkbox"/> 2	North Central	<input checked="" type="checkbox"/> 2	Pacific N.W.
<input type="checkbox"/>	Other (Specify) : _____						

4. MATURITY: Date First Headed (panicle emergence) Location(s) of Trail(s) _____

Maturity Class:

1 = Very Early (Covar) 2 = Early (Highlight) 3 = Medium Early (Boreal, Dawson)

4 = Medium Late (Cascade, Ruby) 5 = Late (Jamestown, Agram) 6 = Very Late

Date Headed 4/30/02

<input type="text" value="1"/> <input type="text" value="0"/>	Days earlier than	<input type="text" value="3"/> <input type="text" value="1"/>	} Comparison Variety
	Maturity same as	<input type="text"/> <input type="text"/>	
<input type="text" value="1"/> <input type="text" value="2"/>	Days later thanMX 86.....	<input type="text"/> <input type="text"/>	

5. PLANT HEIGHT: (At maturity; to top of panicle; average of 10 tallest culms)

mm Height

<input type="text"/> <input type="text" value="6"/> <input type="text" value="1"/>	mm shorter thanReliant.....	<input type="text"/> <input type="text"/>	} Comparison Variety
	Height same as	<input type="text"/> <input type="text"/>	
<input type="text"/> <input type="text" value="8"/> <input type="text" value="6"/>	mm Taller than	<input type="text" value="5"/> <input type="text" value="2"/>	

6. GROWTH HABIT:

1 = Erect (Ruby) 2 = Semi-erect (Highlight) 3 = Prostrate (Silvana)

7. RHIZOMES:

mm Length mm Width mm Internode length

1 = Absent 2 = Weakly Creeping (Dawson)

3 = Strongly Creeping (Boreal) 4 = Very Strongly Creeping (Boreal)

8. LEAF BLADE:

Color:

1 = Light Green (Starlight) 2 = Medium Light Green (Highlight) 3 = Medium Dark Green (Ruby, Agram)

4 = Dark Green (Jamestown, Manoir) 5 = Bluegreen (Saphir) 6 = Graygreen (Scaldis)

7 = Other (Specify): _____

Glaucoity (Sowing Year): 1 = Absent 2 = Present (Vendome)

Anthocynin; 1 = Absent 2 = Present Hairs (Basal): 2 1 = Absent 2 = Present

Margins: 1 = Smooth 2 = Semi-rough 3 = Rough

Margin folding (closure): 1 = Rolled inward (closed-Highlight) 2 = flat (open) (ST: 8/4/007)

Width class: 1 = Very fine (Agram, Frida) 2 = Fine (Jamestown, Highlight, Banner, Dawson)

8. LEAF BLADE (Continued):

mm Length (flag leaf)
 (BT: 8/9/2007)

mm Shorter than }
 Blade length same asMX86..... } Comparison Variety
 mm Longer than }

mm Width (flag leaf)

mm Narrower thanReliant..... }
 Blade width same as } Comparison Variety
 mm Wider than }

9. LEAF SHEATH:

Anthocyanin (seedling): 1 = Absent (Highlight) 2 = Present (Jamestown, Fortress, Marga)

Auricle Hairiness: 1 = Absent 2 = Present No auricle

Margins: 1 = Open (Highlight) 2 = Closed (Jamestown)

10. PANICLE:

Shape: shape= 58% narrow-tapering, 42% ovate
 1 = Narrow-tapering 2 = Ovate
 3 = Oblong 4 = Other (Specify): _____

Type: Type= 13.5% intermediate, 86.5 compact
 1 = Open 2 = Intermediate 3 = Compact

Orientation: Orientation= 10.5% erect, 68% nodding, 21.5% semi-erect
 1 = Erect 2 = Nodding

Branch Pubescence: 1 = Glabrous 2 = Pubescent

Anther Color: } 1 and 4
 1 = Yellowish Green 2 = Green 3 = Bluish Green 4 = Purplish
 5 = Reddish 6 = Other (Specify): _____

Glume Color at 50% flowering):

mm Length
 (BT: 8/9/2007)

mm Shorter than }
 Panicle length same as } Comparison Variety
 mm longer than }
 (BT: 8/9/07)

11. PALEA:

Hairs (On keels or margins): 1 = Absent (Banner) 2 = Short (Agram, Scaldis, Olds)
 3 = Long (Rainier, Fortress, Jamestown)

12. LEMMA:

☐ 2

Hairs:

1 = Absent (Jamestown)

2 = Several

3 = Many (Highlight)

☐ 4 ☐ 9

mm Lemma Length

☐ ☐

mm Shorter than

☐ ☐

Lemma length same as

☐ ☐☐ ☐

mm Longer than

☐ ☐

Comparison Variety

☐ 0 ☐ 9 ☐ 6

mm Lemma Width

☐ ☐ ☐

mm Narrower than

☐ ☐

Lemma width same as

☐ ☐☐ ☐ ☐

mm Wider than

☐ ☐

Comparison Variety

☐ 2

Awns:

1 = Absent

2 = Present

☐

2.6 mm Awn Length

☐ ☐

mm Shorter than

☐ ☐

Awn length same as

☐ ☐☐ ☐

mm Longer than

☐ ☐

Comparison Variety

13. SEED (With lemma and palea):

☐

Size Class (g/1000 seed):

1 = [<0.9 g] (Biljart, Dawson)2 = [$0.9-1.1$ g] (Jamestown, Highlight)3 = [$1.1-1.3$ g] (Fortress, Novorubra)4 = [>1.3 g] (Boreal, Golfrood)☒ 8 ☐ 8 ☐ 6 ☐ 1

mg per 1000 seed

☐ ☐ ☐ ☐

mg per 1000 seed less than

☐ ☐

Seed Weight same as

☐ ☐☐ ☐ ☐ ☐

mg per 1000 seed more than

☐ ☐

Comparison Variety

14. DISEASE, INSECT, AND NEMATODE REACTION

(scale: 0 = not tested, 1 = susceptible, 9 = resistant)

(BT: 8/9/2007 per applicant's authorization)

☐Melting-out *Drechslera poae* (*Helminthosporium vagans*)☐Stripe Rust *P. striiformis*☐Leaf Spot *D. siccans*☐Leaf Rust *P. poae-nemorale*☐Net Blotch *D. dictyoides*☐*P. crandallii*☒ 8Leaf Spot *Bipolaris sorokiniana*☐Pythium Blight *Pythium ultimum*☐Brown Patch *Rhizoctonia solani*☒ 9Red Thread *Corticium fusciforme*☐Powdery Mildew *Erysiphe graminis*☒ 7Dollar Spot *Sclerotinia homoeocarpa*☐Stripe Smut *Ustilago striiformis*☐

Insect

14. DISEASE, INSECT, AND NEMATODE REACTION (Continued):

- ☐ F. Patch, Pink snow-mold *Fusarium nivale*
- ☐ Fusarium Blight *F. trincinctum*, *F. roseum*
- ☐ Gray Snow Mold *Typhula lotana*
- ☐ Stem Rust *Puccinia graminis*

- ☐ Nematode _____
- ☒ Other Summer Patch _____
- ☐ Other _____
- ☐ Other _____

15. GIVE THE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics indicate Degree of Resemblance by placing in the column marked D.R., one of the following numbers.

1 = Application variety is less than the comparison variety. 2 = Application variety is the same as the comparison variety.

3 = More than, better, greater, darker, more disease resistant, etc.

CHARACTER	VARIETY	D.R.	CHARACTER	VARIETY	D.R.
Rhizome Length			Growth Habit		
Leaf Width			Leaf Color		
Panicle Color			Panicle Shape		
Winter Color	Defiant	2	Cold Injury		
Shade Tolerance			Heat		
Drought	Berkshire	2	Disease* Summer Patch	Reliant II	3

* Specify each disease evaluated.

16. ADDITIONAL DESCRIPTION:

Morphological measurements taken on spaced plants near Lebanon, OR, with 3 replications and a minimum of 15 plants per replication to be measured.

Table 1. Morphological measurements taken at Lebanon, OR, 2002 on spaced plants.							
		Date	Date	Plant	Flag Leaf	Flag Leaf	Panicle
Variety		heading	flowering	height	length	width	length
				cm	cm	mm (1/16")	cm
ABTHF1		4/30	5/30	57.28	4.99	1.46	9.77
MX 86		4/18	5/23	49.24	4.97	1.94	9.53
Koket		5/1	5/30	66.13	6.91	2.42	12.94
Reliant		5/2	5/31	63.37	5.80	1.69	10.92
Aurora		5/3	5/30	56.86	5.85	1.72	9.35
Dawson		5/3	5/30	61.88	6.39	2.56	11.16
Shadow		5/4	6/2	65.04	8.01	2.55	12.55
Shademaster		5/5	6/3	64.11	8.02	2.78	12.84
Scaldis		5/5	6/1	58.40	5.93	2.02	10.58
Flyer		5/5	6/2	62.43	7.22	3.03	12.38
SR3000		5/6	5/31	58.39	5.79	1.91	9.48
Banner		5/7	6/2	65.02	8.52	2.56	12.21
Ensylva		5/7	6/3	59.06	7.10	3.07	12.61
Boreal		5/9	6/4	65.06	9.18	3.43	13.97
Biljart		5/10	6/2	48.73	4.26	1.50	7.94
Jamestown		5/17	6/6	55.92	8.15	2.48	11.69
Barcrown		5/19	6/6	56.93	4.65	2.15	8.35
LSD(0.05)		4.08	2.7	5.15	1.69	1.17	0.25

(Bt: 8/9/2007)

Table 2. Date of heading and flowering, Lebanon, OR 2003.

		Date	Date
	Variety	Heading	Flowering
	ABTHF1	4/15/03	5/26/03
	MX 86	3/28/03	5/12/03
	Koket	4/4/03	5/21/03
	SR3000	4/7/03	5/24/03
	Flyer	4/10/03	5/25/03
	Scaldis	4/11/03	5/25/03
	Shdmaster	4/11/03	5/24/03
	ABTHF2	4/13/03	5/25/03
	ABTHF1	4/15/03	5/26/03
	Shadow	4/15/03	5/26/03
	1998D3	4/16/03	5/26/03
	Reliant	4/16/03	5/26/03
	Boreal	4/16/03	5/26/03
	Aurora	4/17/03	5/26/03
	Dawson	4/19/03	5/27/03
	Biljart	4/21/03	5/27/03
	Banngr	4/23/03	5/28/03
	Jametown	4/24/03	5/29/03
	Ensylva	4/25/03	5/30/03
	Barcrown	5/1/03	6/1/03
	LSD(0.05)	5.3	2.3

(BT:8/9/2007
per applicant's
request)

(BT:8/9/2007)

(BT:8/9/2007)

Table 3. Morphological measurements taken at Lebanon, OR 2003

	Flag leaf	Flag leaf	Panicle	Plant	Flag leaf
	length	width	Length	Height	height
	cm	mm (0.125)	cm	cm	cm
ABTHF1	5.24	1.24	9.19	80.75	18.83
Aurora	3.81	1.28	9.93	73.34	
Banner	10.78	2.10	14.59	87.79	
Barcrown	9.19	1.69	8.93	61.44	
Boreal	16.44	2.59	16.81	94.77	
Dawson	10.68	1.50	12.24	83.08	
Flyer	13.14	2.58	16.21	94.49	
Jamestown	12.70	2.53	15.53	85.75	29.99
Koket	12.15	1.90	14.86	89.36	
Reliant	8.64	1.27	10.94	72.11	
Shadow	11.04	2.43	15.13	86.00	
Shademaster	12.51	2.54	15.19	95.13	
SR3000	7.99	1.29	10.89	77.66	
LSD (0.05)	2.54	0.25	1.45	7.90	6.76

(8/19/2007)

on spaced plants
(8/19/2007)
per applicant's request

Table 4. Genetic color, NTEP trial, 2002. (Scale: 1-9, 9=best, darkest green)

		Location	Location			
Variety		NC1	SD1			
ABTHF1		6.30	5.30			
Reliant II		5.70	5.00			
Scaldis		5.00	4.30			
LSD (0.05)		1.00	1.20			
(BT: 8/9/2007)						

(BT: 8/30/2007
per applicant's request)

Table 5. Winter color, NTEP trial, 2002. (Scale: 1-9, 9=Darkest) (BT: 8/30/2007)						
		Location	Location	Location		
Variety		OK1	VA1	WA3		
ABTHF1		3.00	6.00	8.00		
Reliant II		3.00	5.30	8.00		
Scaldis		3.00	6.30	6.70		
LSD (0.05)		1.30	1.40	1.80		
(BT: 8/9/2007 per applicant's request)						

Table 6. Performance of fine fescue grown in shade, Mead, NB, 2002.					
	April	August	Season Mean	(Scale 1-9, 9 = best) (BT: 8/30/2007)	
Variety					
ABTHF1	5.7	7.3	6.6		
Reliant II	6.3	7.3	6.6		
Scaldis	5	5.7	5.1		
LSD (0.05)	1.5	1.7	1.1		

(BT 8/1/2007 per applicant's request)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICEEXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) ProSeeds Marketing, Inc. (8/9/2007 bt)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER ABTHF1, EHF1	3. VARIETY NAME Viking
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 13963 Westside Lane S. Jefferson, OR 97352	5. TELEPHONE (Include area code) (541) 928-9999	6. FAX (Include area code) (541) 924-5695
7. PVPO NUMBER 200400227		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☒ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Germplasm was developed at Rutgers which was further developed by breeders at ABT which ultimately sold to ProSeeds Marketing, Inc. with a license from Rutgers to ProSeeds Marketing, Inc.
(8/9/2007 bt)

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.


ASSIGNMENT OF EHF HARD FESCUE

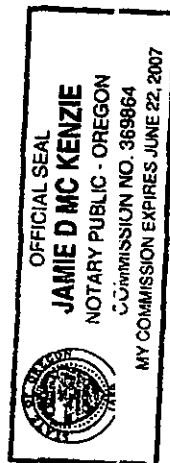
WHEREAS, Virginia Lehman, Blue Moon Farm, 811 Mountain River Drive, Lebanon, OR 97355; William A. Meyer, 137 Bucks Mill Road, Colts Neck, NJ 07722; Dirk A. Smith; 321 Cedar Grove Lane, Somerset, NJ 08871; and C. Reed Funk, Jr., 4 Delaware Drive, East Brunswick, NJ 08816 have cooperated in the breeding and development of EHF hard fescue.

NOW, THEREFORE, IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other valuable considerations made to each of us, and ONE DOLLAR (\$1.00) and other valuable consideration made to the New Jersey Agricultural Experiment Station, including those made in the Agreement dated August 22, 1998 between the New Jersey Agricultural Experiment Station and Pro Seeds Marketing, Inc., we hereby assign unto said Pro Seeds Marketing, Inc., 13963 Westside Lane S. Jefferson, OR 97352 (formerly AgriBioTech, Inc. 120 Corporate Park Drive, Henderson, NV 89012); our entire interest in EHF hard fescue for the United States and all foreign countries and any plant variety protection to be issued therefore in the United States or any foreign country. The commissioner, Plant Variety Protection Office is requested to issue the plant variety protection certificate in accordance herewith.


Virginia Lehman

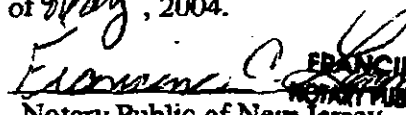
Sworn and subscribed to
before me this day
of 5/18, 2004.

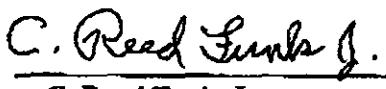

Notary Public of Oregon



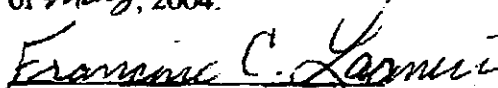

William A. Meyer

Sworn and subscribed to
before me this 17th day of May, 2004.



Francine C. Laanui
Notary Public of New Jersey
Commission Expires 11/29/2004


C. Reed Funk, Jr.

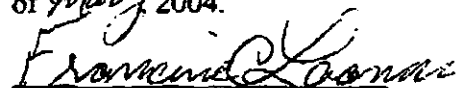
Sworn and subscribed to
before me this 17th day
of May, 2004.


Notary Public of New Jersey

FRANCINE C. LAANUI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/29/2004


Dirk A. Smith

Sworn and subscribed to
before me this 17th day
of May, 2004.


Notary Public of New Jersey

FRANCINE C. LAANUI
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/29/2004